BILL NO. Z-87-0412

ZONING MAP ORDINANCE NO. Z-08-87

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. Q-10.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a POD (Professional Office District) under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Part of the Northwest Quarter of the Northeast Quarter of Section 6, Township 30 North, Range 13 East, in Allen County, Indiana, more particularly described as follows:

Beginning at a point on the North line of the Northwest Quarter of the Northeast Quarter of Section 6, Township 30 North, Range 13 East, Allen County, Indiana, said point being 670.6 feet East of the Northwest corner of the NW 1/4 of the NE 1/4 of Sec. 6-30-13; thence East along the North line of the NW 1/4 of the NE 1/4 Sec. 6-30-13, a distance of 342.58 feet; thence South with a deflection angle to the right of 89 degrees 39 minutes 40 seconds a distance of 594.0 feet; thence West with a deflection angle to the right of 90 degrees 20 minutes 20 seconds and parallel to the North line of the NW 1/4 of the NE 1/4 of Sec. 6-30-13, a distance of 353.19 feet; thence North with a deflecting angle to the right of 91 degrees 41 minutes 10 seconds a distance of 594.03 feet to the point of beginning, containing 4.74 acres, subject to road rights of way and easements,

and the symbols of the City of Fort Wayne Zoning Map No. Q-10, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Bradbury seconded by Redd, and duly adopted, read the second ti by title and referred to the Committee Regulations (and the C: Plan Commission for recommendation) and Public Hearing to be Held after due legal notice, at the Council Chambers, City-County Building, Fort Wa Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____.M.,I

DATE: 4-14-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury seconded by Eisbart, and duly adopted, placed on it: passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	9				
BRADBURY	✓				
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
HENRY	✓				
REDD	✓				
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 5-12-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (~~RESOLUTION~~) NO. G-08-87 on the 12th day of May, 1987,

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of May, 1987 at the hour of 11:30 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of May 1987, at the hour of 11:00 o'clock A.M.,E.S.T.

WIN MOSES, JR., MAYOR

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

№ 1182

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., March 20 19 87

RECEIVED FROM Snouffer Heller & Colvin $ 50 00

THE SUM OF Fifty and no/100's DOLLARS

ON ACCOUNT OF Rezoning & Dev. Plan

2708 Lake Ave

W. O.

AUTHORIZED SIGNATURE

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

XXWe Beverly J. Franzman and Elmer J. Franzman
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayn Indiana, by reclassifying from ~~a~~/an R-1 District to a/~~an~~ P.O.D. District the property described as follows:

See attached legal description.

RECEIVED
MAR 20 1987
FORT WAYNE
CITY PLANNING COMMISSION

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

2708 Lake Avenue

Fort Wayne, Indiana 46805
(General Description for Planning Staff Use Only)

XXWe, the undersigned, certify that ~~XXam~~/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
Beverly J. Franzman	1301 Vermont Avenue Ft. Wayne, IN 46805	Beverly J. Franzman
Elmer J. Franzman	1301 Vermont Avenue Ft. Wayne, IN 46805	Elmer J. Franzman

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordina being sent to the newspaper for legal publication. If the request for deferra continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whi it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the mat for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Number)
Vincent J. Heiny, Esq.	Snouffer, Haller & Colvin 2000 Ft. Wayne Bank Bldg. Ft. Wayne, Indiana 46802	(219) 424-2000

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Heari approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

See Attached legal description.

Owners of Property

(Name)	(Address)	(Signature)
Beverly J. Franzman	1301 Vermont Avenue ~~Ft. Wayne, IN 46805~~	Beverly J. Franzman
~~Elmer J. Franzman~~	1301 Vermont Avenue ~~Ft. Wayne, IN 46805~~	Elmer J. Franzman

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

CERTIFICATE OF SURVEY

OFFICE OF: DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA
FRANCIS X. MUELLER P.L.S. No. S0193 INDIANA
GREGORY L. ROBERTS P.L.S. No. S0548 INDIANA
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby ceritfies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: Part of the Northwest Quarter of the Northeast Quarter of Section 6, Township 30 North, Range 13 East, in Allen County, Indiana, more particularly described as follows:

Beginning at a point on the North line of the Northwest Quarter of the Northeast Quarter of Section 6, Township 30 North, Range 13 East, Allen County, Indiana, said point being 670.6 feet East of the Northwest corner of the NW¼ of the NE¼ of Sec. 6-30-13; thence East along the North line of the NW¼ of the NE¼ of Sec. 6-30-13, a distance of 342.58 feet; thence South with a deflection angle to the right of 89 degrees 39 minutes 40 seconds a distance of 594.0 feet; thence West with a deflection angle to the right of 90 degrees 20 minutes 20 seconds and parallel to the North line of the NW¼ of the NE¼ of Sec. 6-30-13, a distance of 353.19 feet; thence North with a deflection angle to the right of 91 degrees 41 minutes 10 seconds a distance of 594.03 feet to the point of beginning, containing 4.74 acres, subject to road rights of way and easements.

JOHN R. DONOVAN REGISTERED No. 9921 STATE OF INDIANA

JOB FOR: FRANZMAN - SURGICAL ASSOC. INC.

3-6-87

CERTIFICATE OF SURVEY

OFFICE OF: DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA
FRANCIS X. MUELLER P.L.S. No. S0193 INDIANA
GREGORY L. ROBERTS P.L.S. No. S0548 INDIANA
FORT WAYNE, INDIANA

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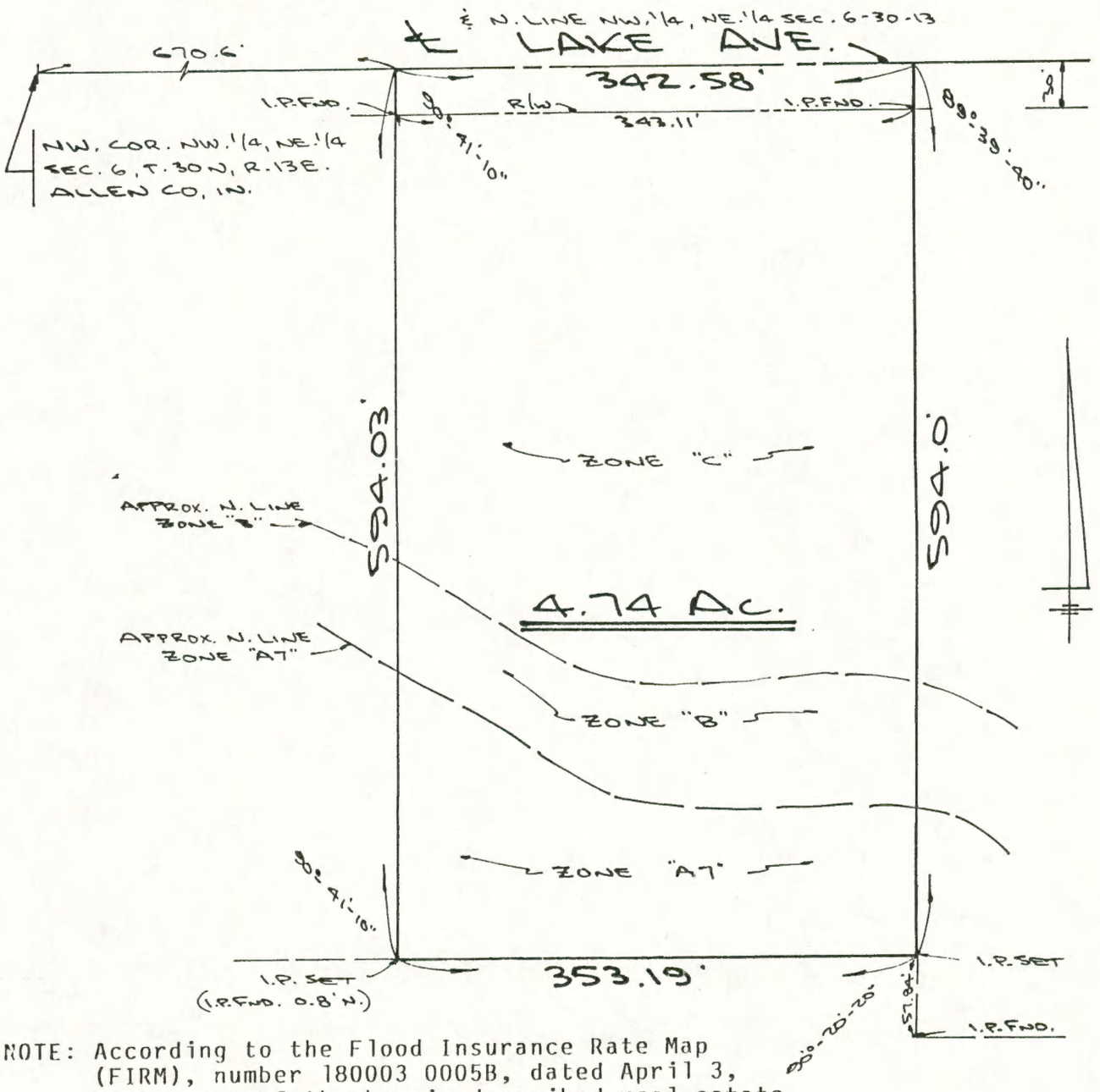
The description of the real estate is as follows, to wit: SEE ATTACHED SHEET!



NOTE: According to the Flood Insurance Rate Map (FIRM), number 180003 0005B, dated April 3, 1985, part of the herein described real estate is located in Zone "A-7" and is in a flood hazard area.

JOB FOR: FRANZMAN-SURGICAL ASSOC. INC.

1" = 100'
3-6-87

JOHN R. DONOVAN REGISTERED No. 9921 STATE OF INDIANA LAND SURVEYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 14, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-04-13; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 20, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held April 27, 1987.

Certified and signed this
8th day of May 1987.

Robert Hutner
Secretary

Division of Community Development & Planning

FACT SHEET

BILL NUMBER

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment From R-1 to POD		

DETAILS

Specific Location and/or Address

2708 Lake Avenue

Reason for Project

Professional Office Development

Discussion (Including relationship to other Council actions)

20 April 1987 - Public Hearing

Ron Menze, an architect with Archonics stated that the firm had been retained by the petitioner, Surgical Associates Inc. He stated that this site consists of 4.77 acres and is located in front of the City of Fort Wayne settling lagoons. He stated that the trend for professional offices along Lake Avenue is definitely there. He stated that although they are close to the area that has flooded in the past they have obtained approval from the Indiana Department of Natural Resources concerning development on this piece of ground. He stated they are in complete agreement with the planning staff's recommendation on the development plan. He felt the only exception is the requirement for sidewalks but stated that they would work with staff about their concern. He stated that there are no sidewalks on either side of this piece of ground and they would like that requirement waived from the development plan approval.

Edith Kenna questioned if the staff had a

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Beverly & Elmer Franzman **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	☒ For ☐ Against **Reason Against**
Board or Commission Recommendation	**By** ☒ For ☐ Against ☐ No Action Taken ☐ For with revisions to condition (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pas

DETAILS

copy of the IDNR approval for them to build in this area.

Wayne O'Brien, Planner with CD&P stated that they are not building in the floodway, and that there is a copy of the approval from IDNR in the development plan file.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

27 April 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the 8 members present 7 voted in favor of the motion one (1) did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 20 March 1987

Projected Completion or Occupancy **Date** 8 May 1987

Fact Sheet Prepared by **Date** 8 May 1987
Patricia Biancaniello

Reviewed by **Date** 5/11/87
Gary Barto

Reference or Case Number

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. ____ DIGEST SHEET ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management

SYNOPSIS OF ORDINANCE 2708 Lake Avenue 3-87-04-B

EFFECT OF PASSAGE Property is presently zoned R-1 - Single Family Residential. Property will become P O D - Professional Office District.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

BILL NO. Z=87-04-13

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. Q-10

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~ Do Pass

YES		NO
Janet G. Bradbury	JANET G. BRADBURY CHAIRPERSON	
Charles B. Redd	CHARLES B. REDD VICE CHAIRMAN	
Thomas C. Henry	THOMAS C. HENRY	
	PAUL M. BURNS	
Ben A. Eisbart	BEN A. EISBART	

CONCURRED IN 5-12-87

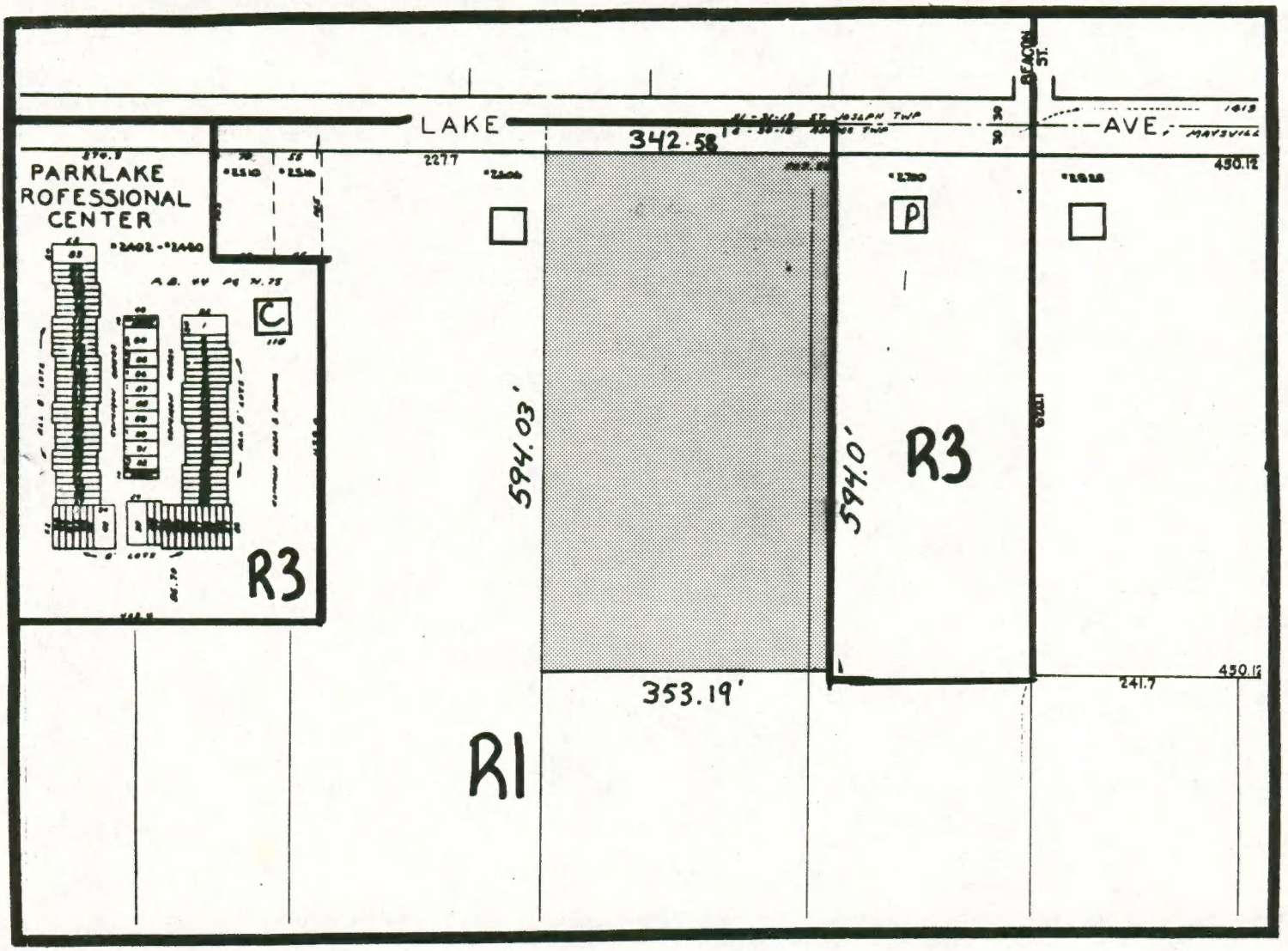
SANDRA E. KENNEDY
CITY CLERK

REZONING PETITION #2357

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-1 DISTRICT TO A P.O.D. DISTRICT.

MAP NO. Q-10

COUNCILMANIC DISTRICT NO. 2



ZONING:

R1 RESIDENTIAL DISTRICT
R3 RESIDENTIAL DISTRICT

LAND USE:

□ SINGLE FAMILY
[C] COMMERCIAL
[P] PUBLIC

N

SCALE: 1" = 220'

DATE: 4-1-87